

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

SANJOY DAS,

Plaintiff,

v.

Case No. 21-4044-DDC

KANSAS STATE UNIVERSITY, et al.,

Defendants.

ORDER

This case comes before the court on the parties' joint motion (ECF No. 16) to stay proceedings pending a ruling on the motions to dismiss filed in this case (ECF Nos. 10, 12). The court may stay discovery if: (1) the case is likely to be finally concluded via a dispositive motion; (2) the facts sought through discovery would not affect the resolution of the dispositive motion; or (3) discovery on all issues posed by the complaint would be wasteful and burdensome.¹ The decision whether to stay discovery rests in the sound discretion of the court.² As a practical matter, this calls for a case-by-case determination.³

The parties state their request for a stay is driven by a desire to conserve the parties' time and resources while awaiting rulings on the pending motions. Moreover, none of the

¹ See *Wolf v. United States*, 157 F.R.D. 494, 495 (D. Kan. 1994) (citing *Kutilek v. Gannon*, 132 F.R.D. 296, 297-98 (D. Kan. 1990)); *Lofland v. City of Shawnee*, No. 16-2183, 2016 WL 5109941, at *1 (D. Kan. Sept. 20, 2016).

² *Clinton v. Jones*, 520 U.S. 681, 706 (1997) ("The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.").

³ *Citizens for Objective Public Educ., Inc. v. Kan. State Bd. of Educ.*, No. 13-4119, 2013 WL 6728323, at *1 (D. Kan. Dec. 19, 2013).

parties believe that the requested stay will adversely impact discovery in this matter nor the resolution of the parties' claims. To the contrary, the parties believe the requested stay of discovery will aid in the efficient resolution of this matter. Upon review of the record, including the pending dispositive motions, the court concurs with the parties that a stay of all pretrial proceedings—including discovery, the planning meeting conference, initial disclosures, and the scheduling of deadlines—is warranted until the court rules the dispositive motions.

In consideration of the foregoing, and upon good cause shown,

IT IS HEREBY ORDERED:

1. The parties' joint motion to stay proceedings is granted. All pretrial proceedings in this case, including discovery and initial disclosures, are stayed until further order of the court.

2. The telephone scheduling conference set for December 20, 2021, is cancelled. The December 9, 2021 deadline for the parties to submit a report of planning conference pursuant to Fed. R. Civ. P. 26(f) is vacated.

3. Counsel shall confer and submit a Rule 26(f) planning report to the undersigned's chambers within 14 days of all the motions to dismiss being ruled.

Dated December 7, 2021, at Kansas City, Kansas.

s/James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge